

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In the Application of:

JONATHAN EDWARD LIGHTNER ET AL.

CASE NO.: BB1043 US DIV

APPLICATION NO.: 09/697,379

GROUP ART UNIT: 1638

FILED: OCTOBER 26, 2000

EXAMINER: E. MCELWAIN

FOR: GENES FOR MICROSOMAL DELTA-12  
FATTY ACID DESATURASES AND  
RELATED ENZYMES FROM PLANTS

RESPONSE TO RESTRICTION REQUIREMENT

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Commissioner of Patents and Trademarks  
Washington, D.C. 20231

TECH CENTER 1600,2900

Sir:

This is in response to the restriction requirement dated January 30, 2002 regarding the above-identified application.

Remarks

Applicants hereby provisionally elect the subject matter of Group I (claims 1 and 33-44), without traverse, for further prosecution in this case subject to Applicants' right to pursue the non-elected subject matter in divisional or divisional cases pursuant to 35 USC §121.

It is noted that claim 34 is listed as being a part of Group I and Group III. Given the nature of the restrictions, it appears that claim 34 belongs to Group I and not Group III. Clarification is respectfully requested.

This case is a divisional application of Application No. 09/133,962. Inventorship of 09/133,962 had been corrected to add William Dean Hitz, Anthony John Kinney, Narendra Yadav and Luis Perez-Grau in addition to Jonathon Edward Lightner and John Joseph Okuley. A copy of the petition granting this request and a copy of the correct filing receipt are enclosed herewith. It is respectfully requested that be added as co-inventors of this divisional application since the subject matter to which they made an inventive contribution is being claimed in the instant application.

Please charge any fees that may be associated with the filing of this response and correction of inventorship to Deposit Account No. 04-1928.

Respectfully submitted,



LYNNE M. CHRISTENBURY  
ATTORNEY FOR APPLICANTS  
REGISTRATION NO. 30,971  
TELEPHONE: 302-992-5481  
FACSIMILE: 302-892-1026

Dated: Feb 22, 2002



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Paper No. 27

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WILMINGTON DE 19898

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In re Application of  
LIGHTNER ET AL.  
Application No. 09/133,962  
Filed: August 14, 1998 (CPA 2/14/01)  
Attorney Docket No. BB-1043-d

This is a decision on the renewed petitions filed April 3, 2001, (1) under 37 CFR 1.183, requesting waiver of the rules (37 CFR 1.67) as a previously signing inventor refuses to execute a supplemental declaration, and (2) under 37 CFR 1.48, amending the inventive entity to include Yadav, Hitz, Kinney, and Perez-Grau.

The petitions are granted.

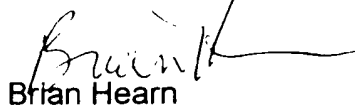
As a result of papers filed April 3, and August 2, 2001, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and, accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship has been changed by the addition of William Hintz, Wilmington Delaware; Anthony Kinney, Wilmington Delaware; Narendra Yadav, Chadds Ford, Pennsylvania; and Luis Perez-Grau, Davis California.

A corrected filing receipt is enclosed with this decision.

As previously indicated the fee for a submission under 27 CFR 1.129(a) was paid in error as this application does not qualify for the interim procedure and as such, the \$710 fee has been credited to deposit account No. 04-1928.

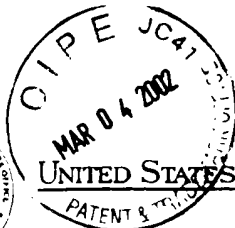
This application is being returned to Technology Center AU 1638, where the examiner is authorized to consider the amendment under 37 CFR 1.312 currently indicated to have been filed April 3, 2001.

Telephone inquiries relevant to this decision may be addressed to the undersigned at  
(703) 305-1820.

A handwritten signature in cursive script, appearing to read "Brian Hearn", written in black ink.

Brian Hearn  
Senior Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

Enclosure: Corrected Filing Receipt



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LYNNE M. CHRISTENBURY

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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/133,962	08/14/1998	1638	2914	BB-1043-D		39	13

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RESC NOTED

CONFIRMATION NO. 7275

CORRECTED FILING RECEIPT



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LYNNE M CHRISTENBURY  
E I DU PONT DE NEMOURS AND COMPANY  
LEGAL PATENTS  
1007 MARKET STREET  
WILMINGTON, DE 19898

AUG 14 2001

Date Mailed: 08/07/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

JONATHAN EDWARD LIGHTNER, MARIETTA, PA;  
JOHN JOSEPH OKULEY, COLUMBUS, OH;  
WILLIAM DEAN HITZ, WILMINGTON, DE;  
ANTHONY JOHN KINNEY, WILMINGTON, DE;  
NARENDRA YADAV, CHADDS FORD, PA;  
LUIS PEREZ-GRAU, DAVIS, CA;

**Domestic Priority data as claimed by applicant**

THIS APPLICATION IS A CON OF 08/262,401 06/20/1994 ABN  
WHICH IS A CIP OF PCT/US93/09987 10/15/1993  
THIS APPLICATION 09/133,962  
IS A CIP OF 07/977,339 11/17/1992 ABN

**Foreign Applications**

If Required, Foreign Filing License Granted 09/25/1998

Projected Publication Date: N/A

Non-Publication Request: No

Early Publication Request: No

**Title**

GENES FOR MICROSOMAL DELTA-12 FATTY ACID DESATURASES AND RELATED ENZYMES FROM PLANTS

**Preliminary Class**

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**Title 37, Code of Federal Regulations, 5.11 & 5.15**

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**NOT GRANTED**

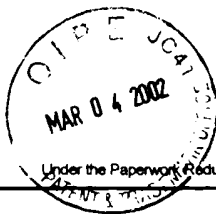
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Signature

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09/679,379  
BB1043 US DIV  
RESPONSE TO RESTRICTION REQUIREMENT  
COPY OF PETITION GRANTING REQUEST TO CORRECT INVENTORSHIP OF APPLICATION  
NO. 09/133,962  
COPY OF CORRECTED FILING RECEIPT FOR APPLICATION NO. 09/133,962

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